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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on 4 September 2003 in an envelope addressed as "Express Mail Post Office to Addressee" Mailing Label No. EV334122032US in an envelope addressed to Mail Stop Petition-Fee, Commissioner for Patents, Washington, DC 20231.

Ronald W. Hind.
Ronald W. Hind (24,643)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Fredrick B. Jedlicka et al. GROUP ART UNIT: 3754
SERIAL NO.: 09/981,574 EXAMINER: Joseph A. Kaufman
FILED: 17 October 2001 DOCKET NO.: DEMA 8152US
FOR: DISPENSING APPARATUS WITH REMOTE CONTROL

St. Louis, Missouri
September 4, 2003

Mail Stop Petition - Fee
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in reply to the Office communication dated August 4, 2003.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR §1.137(a)**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee; and
- (2) Adequate showing of the cause of unavoidable delay resulting in abandonment

1. Petition Fee

- ☒ small business entity -- fee \$55.00. Applicant claims small entity status.
☐ other than small entity -- fee \$110.00

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2. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment under 37 CFR §1.16 and §1.17 which may be required to Deposit Account No. 16-2201. *Duplicates of this sheet are enclosed.*

ADEQUATE SHOWING OF THE CAUSE OF UNAVOIDABLE ABANDONMENT

On July 31, 2003, the undersigned attorney of record, Ronald W. Hind, received a telephone call from Examiner Joseph A. Kaufman to inquire whether the issue fee and publication fee, if applicable, had been paid for this application.

Examiner Kaufman was advised that no Allowability had been received by the attorney of record on this application and that, accordingly, no fee was paid.

On investigation, it appears that the USPTO had mistakenly sent back the change of address form filed with the Declaration with the effect that no actions were sent to the attorney of record. Applicant, however, did receive the postcard receipt accompanying the Change of Address form, see copy enclosed. This is consistent with the Summary of Interview Record by Examiner Kaufman dated 8/4/2003.

In addition, postcards accompanying two status requests made by the attorney of record were returned to the attorney of record which caused him to believe that communications were being received by the USPTO. See postcard copies dated 18 October 2002 and 3 March 2003 enclosed.

Examiner Kaufman advised that the Application Ser. No. 09/981,574 must be abandoned because of non-payment of the issue fee, but will be revived based on the fact that the attorney of record never received the Office actions.

The examiner suggested that the revival and reopening of prosecution of this case be made by applicant in order that an IDS submitted by the applicant after the Notice of Allowability be considered as it appears that the references are pertinent.

Under these circumstances, the application was unavoidably abandoned and revival of the application is respectfully requested.

Respectfully submitted,

Ronald W. Hind.

Ronald W. Hind (24,643)
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27 November 2001

Our File: DEMA 8152US (A-3120)

Applicant: Fredrick B. Jedlicka et al.

Ser. No. 09/981,574

Filed: 17 October 2001

For: DISPENSING APPARATUS WITH REMOTE CONTROL

Paper: Response to Notice to File Missing Parts of
Application, Copy of Notice of Missing Parts,
Declaration and Power of Attorney, Assignment
with Cover Sheet, Change of Correspondence
Address

\$65.00 and \$40.00, attorney's checks

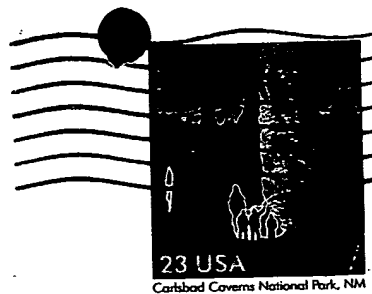




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WOODRUFF & LUCCHESI

OCT 28 2002

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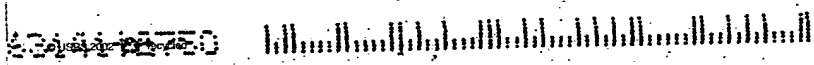


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18 October 2002

Our File: DEMA 8152US (A-3120)

Applicant: Fredrick B. Jedlicka et al.

Ser. No. 09/981,574

Filed: 17 October 2001

For: DISPENSING APPARATUS WITH REMOTE CONTROL

Paper: Status Inquiry, stamped return-address envelope
no fee





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3 March 2003

Our File: DEMA 8152US (A-3120)
Applicant: Fredrick B. Jedlicka et al.

Ser. No. 09/981,574

Filed: 17 October 2001

For: DISPENSING APPARATUS WITH REMOTE CONTROL

Paper: Status Inquiry - Second Request, stamped return-address
envelope
no fee

